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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,861	04/10/2001	Albert Johan Pennings	10806-120	7399
24256	7590	09/22/2004		
DINSMORE & SHOHL, LLP 1900 CHEMED CENTER 255 EAST FIFTH STREET CINCINNATI, OH 45202			EXAMINER SASTRI, SATYA B	
			ART UNIT 1713	PAPER NUMBER

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

09/829,861

Examiner

Satya B Sastri

Applicant(s)

PENNINGS ET AL.

Art Unit

1713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 31, 2003.
2. ☒ The allowed claim(s) is/are 1-13, 15-29 and 43-47.
3. ☒ The drawings filed on 10 April 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**TATYANA ZALUKAEVA  
PRIMARY EXAMINER**



**EXAMINER'S COMMENT/AMENDMENT/REASONS FOR ALLOWANCE**

***Response to Amendment***

1. This office action is in response to the amendment filed on October 31, 2003. With the cancellation of *claim 14* and nonelected *claims 30-42* and addition of new *claims 43-47, claims 1-13, 15-29, 43-47* are now pending in the application. In view of the amendment, rejection of *claims 1, 8, 14, 27 and 28* under 35 U.S.C. 102(b) as anticipated by Tahan (US 5,135,965) is moot, rejection of *claims 1, 3, 8, 14, 27, 28* under 35 U.S.C. 102(e) as anticipated by Makabe et al. (US 6,262,208 B1) is moot and rejection of *claims 1, 3, 4, 8, 12, 14, 27, 28* under 35 U.S.C. 102(b) as anticipated by Ofstead (US 4,840,992) is withdrawn.

**EXAMINER'S AMENDMENT**

2. The application has been amended as follows to correct minor typographical errors in the claims:

In line 1 of *claim 4*, replace "lest" by "least".

In line 3 of *claim 6*, replace "1:40." by "1.40."

***Reasons For Allowance***

3. *Claims 1-13, 15-29, 43-47* are allowed.

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4. The following is an examiner's statement of reasons for allowance:

The present claims are allowable over the closest combined reference to Goldenberg (US 4,598,122) and Goldenberg et al. (US 5,210,111).

The present invention in regard to a hydrogel comprising a network of hydrophilic polymer having hydroxyl group-carrying carbon to carbon backbones and having a tensile strength of at least 1MPa, wherein the network is formed by crosslinks in the hydrophilic polymer (*claim 1*).

The disclosure of Goldenberg ('122) is in regard to polyoxirane-crosslinked polyvinyl alcohol hydrogel contact lens. These are derived from polyvinyl alcohol having a molecular weight of 8,000 (abstract). The breaking stress of the samples in this prior art in column 12 is lower than the claimed value of 1MPa.

The prior art to Goldenberg et al. ('111) discloses a crosslinked hydrogel derived from polyvinyl alcohol modified with an unsaturated isocyanate and further crosslinked under thermal or photopolymerization conditions. However, the prior art does not teach a tensile strength of at least 1 MPa as claimed in the instant invention.

Therefore, the instantly claimed invention is deemed allowable over the closest prior art of record as per said art neither anticipating nor rendering obvious the instantly claimed hydrogel comprising a network of hydrophilic polymer having hydroxyl group-carrying carbon to carbon backbones and having a tensile strength of at least 1MPa, wherein the network is formed by crosslinks in the hydrophilic polymer.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Future Correspondence*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satya Sastri whose telephone number is 571-272-1112.

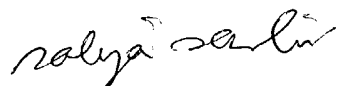
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9306 for regular communications. The unofficial direct fax phone number to the Examiner's desk is 571-273-1112.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, appearing to read "satya sastri".

SATYA SASTRI

September 17, 2004